

17 CS DJ 337/25

D C AGARWAL Vs. HINDUSTAN TIMES

01.06.2026

Present : Sh. Mayank Bansal , Ld. Counsel for plaintiff
through VC.
Sh. Rajiv Bajaj, Ld. Counsel for defendants no.1 &
2 through VC
Ms. Ananya Mago, Ld. Counsel for defendant no.3
through VC.

1. Arguments heard on the application under Order I Rule 10 CPC read with section 151 CPC seeking deletion of name of defendant no.3 namely Rajiv Kakria from the array of parties.
2. Put up for orders on the said application at 4 pm.
3. Another application under Order XXXIX Rule 1 & 2 CPC is also pending for disposal.
4. List for arguments said application **on 05.06.2026.**

(Bhavna Kalia)
DJ-01 (South East) Saket Court
New Delhi/01.06.2026 (vg)

AT 4.00 pm

Present : As before.

5. Vide this order, the application filed under Order I Rule 10 CPC read with section 151 CPC seeking deletion of name of defendant no.3 namely Rajiv Kakria from the array of parties shall be decided.
6. No formal reply has been filed to the application.
However, parties made their submissions at length.
7. In the application filed under Order I Rule 10 CPC, it has

been prayed that since there is no relief except for damages claimed from defendant no.3, his name should be removed from the array of parties. It is further submitted that as per plaintiff, three articles were published by defendants no.1 & 2, which tarnished the image of the plaintiff. It is further submitted that defendant no.3 has no role in the present suit as there was no publication done by defendant no.3. It is further submitted that the basic ingredients of defamation are not made out against defendant no.3. It is further submitted that the relief of injunction is only claimed against defendants no.1 & 2 and in such circumstances, defendant no.3 is neither a proper party nor a necessary party for the adjudication of the present case.

8. Countering the submissions of Ld. Counsel for the applicant/defendant no.3, Ld. Counsel for plaintiff has submitted that it was on the instance of the defendant no.3 that the defamatory articles were published by defendants no.1 & 2 tarnishing the image of the plaintiff and causing irreparable harm to him. It is further submitted that in the relief prayed, it is clearly mentioned that upon the statement of defendant no.3, articles were published by defendants no.1 & 2 which harmed the reputation of the plaintiff due to which plaintiff is entitled to damages. It is further submitted that the present case cannot be adjudicated without defendant no.3 as his actions/statements resulted in causing damage to the image of the plaintiff and without defendant no.3, there cannot be a proper and full adjudication in the matter.

9. Submissions heard.

10. Order I Rule 10 CPC provides for addition or deletion of parties necessary or proper to the suit. It is settled law that for proper adjudication in the matter, parties may be included as necessary or proper parties. A necessary party is one without whom no effective decree can be passed and a proper party is one whose presence aids complete and effective adjudication of the matter.

11. In the present case, plaintiff has averred that defendant no.3 was the person at whose instance, defendants no.1 & 2 took the action of publishing one defamatory article which tarnished the image of the plaintiff. It is too early a stage to decide whether there was any defamation or not and at this early stage, it further appears that the present suit cannot be adjudicated without the presence of defendant no.3 as he seems to be involved in the controversy actively.

12. Thus, at this stage, there are no merits in the application filed on behalf of defendant no.3 and application filed under Order I Rule 10 CPC is dismissed.

(Bhavna Kalia)
DJ-01 (South East) Saket Court
New Delhi/01.06.2026 (vg)